

or damage to the property of others. The director may deduct and disburse an amount sufficient for industries' programs to qualify under the eligibility requirements established in the Justice Assistance Act of 1984, Pub. L. No. 98-473, including an amount to pay all or part of the cost of the inmate's incarceration. The director may pay all or any part of remaining allowances paid pursuant to section 904.701 directly to a dependent of the inmate, or may deposit the allowance to the account of the inmate, or may deposit a portion and allow the inmate a portion for the inmate's personal use.

The director, the institutional division, and the department shall not be liable to any person for any damages caused by the withdrawal or failure to withdraw money or the payment or failure to make any payment under this section.

Approved May 4, 1995

CHAPTER 168
EXHIBITION OF PERSONS
S.F. 366

AN ACT relating to the exhibition of humans.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 727.10, Code 1995, is amended to read as follows:

727.10 ~~EXHIBITING DEFORMED OR ABNORMAL PERSONS.~~

Any A person who shall not exhibit, place on exhibition, or cause to be exhibited any deformed, maimed, idiotic or abnormal person or human monstrosity without the exhibited person's or human monstrosity's consent, and receive any fee or compensation therefor, permission of the person exhibited or the person's parent or guardian. A parent or guardian of an exhibited person shall not receive compensation from the exhibition. A person who violates this section commits a serious misdemeanor.

Approved May 4, 1995

CHAPTER 169
COLLECTION OF RESTITUTION AND OTHER COURT REVENUES
S.F. 403

AN ACT relating to collection of delinquent restitution payments and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.40, unnumbered paragraph 4, Code 1995, is amended to read as follows:

The county treasurer shall refuse to renew the registration of a vehicle registered to a person when notified that ~~there is a warrant outstanding for that person's arrest out of a~~

~~the person has not paid restitution as defined under section 910.1, subsection 3, to the clerk of the court located within that county and the warrant arises out of the alleged violation of a provision of this chapter or of an ordinance adopted by a local authority relating to the stopping, parking or operation of a vehicle or the regulation of traffic. Each clerk of court in this state subject to this section shall, by the last day of each month, notify the county treasurer of that county of all persons against whom such an arrest warrant has been issued and is outstanding who owe delinquent restitution. Immediately upon the cancellation or satisfaction of such an arrest warrant the restitution the clerk of court shall notify the person against whom the arrest warrant was issued and the county treasurer if that person's name appeared on the last list furnished to the county treasurer. This paragraph does not apply to the transfer of a registration or the issuance of a new registration. The provisions of this paragraph are applicable to counties with a population of two hundred twenty-five thousand or more. The provisions of this paragraph shall be applicable to any county with a population of less than two hundred twenty-five thousand upon the adoption of a resolution by the county board of supervisors so providing.~~

Sec. 2. Section 321.236, subsection 1, paragraph c, Code 1995, is amended to read as follows:

c. If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the renewal of registration of a vehicle shall be denied refused for outstanding arrest warrants unpaid restitution under section 321.40, the simple notice of fine under paragraph "a" of this subsection shall contain the following statement: "FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION RESTITUTION OWED BY YOU CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

~~This paragraph does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted.~~

Sec. 3. Section 331.756, subsection 5, unnumbered paragraph 4, Code 1995, is amended to read as follows:

All fines, penalties, court costs, fees, and restitution for court-appointed attorney fees or expenses of a public defender which are delinquent as defined in section 602.8107 may be collected by the county attorney or the person procured or designated by the county attorney. In order to receive a percentage of the amounts collected pursuant to section 602.8107, the county attorney must file annually with the clerk of the district court on or before July 1 a notice of full commitment to collect delinquent obligations and must file on the first day of each month a list of the cases in which the county attorney or the person procured or designated by the county attorney is pursuing the collection of delinquent obligations. The annual notice shall contain a list of procedures which will be initiated by the county attorney. Amounts collected by the county attorney or the person procured or designated by the county attorney shall be distributed in accordance with section 602.8107.

Sec. 4. Section 421.17, subsection 25, unnumbered paragraph 1, Code 1995, is amended to read as follows:

To establish and maintain a procedure to set off against a debtor's income tax refund or rebate any debt which is in the form of a liquidated sum due, owing, and payable to the clerk of the district court ~~as a civil penalty or restitution as defined and ordered under sections 910.1 and 910.2 incurred as a result of services provided under chapters 13B and 815, and section 232.141.~~ The procedure shall meet the following conditions:

Sec. 5. Section 421.17, subsection 25, paragraph f, Code 1995, is amended to read as follows:

f. The department shall set off the debt ~~against, and deduct, plus~~ a fee established by rule to reflect the cost of processing ~~from, against~~ the debtor's income tax refund or rebate. The department shall transfer ninety percent of the amount set off to the treasurer of

state for deposit in the general fund of the state. The remaining ten percent shall be remitted to the judicial department and used to defray the costs of this procedure. If the debtor gives timely written notice of intent to contest the amount of the claim, the department shall hold the refund or rebate until final determination of the correct amount of the claim.

Sec. 6. Section 602.8107, subsection 1, Code 1995, is amended to read as follows:

1. Restitution as defined in section 910.1 and all other fines, penalties, fees, court costs, and surcharges owing and payable to the clerk shall be paid to the clerk of the district court. All amounts collected shall be distributed pursuant to sections 602.8106 and 602.8108 or as otherwise provided by this Code. The clerk may accept payment of an obligation or a portion thereof by credit card. ~~The clerk may charge a fee to reflect the additional cost of processing the payment by credit card.~~ Any fees charged to the clerk with respect to payment by credit card may be paid from receipts collected by credit card.

Sec. 7. Section 602.8107, subsection 4, unnumbered paragraphs 1 and 2, Code 1995, are amended to read as follows:

All fines, penalties, court costs, fees, surcharges, and restitution for court-appointed attorney fees or for expenses of a public defender which are delinquent may be collected by the county attorney or the county attorney's designee. Thirty-five percent of the amounts collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county if the county attorney has filed the notice required in section 331.756, subsection 5, unless the county attorney has discontinued collection efforts on a particular delinquent amount ~~and has transferred collection responsibilities to the department of revenue and finance.~~ The remainder shall be paid to the clerk for distribution under section 602.8108.

This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, criminal penalty surcharge, or amounts collected as a result of procedures initiated under subsection 5 or under section 421.17, subsection 25.

Sec. 8. Section 602.8107, subsection 5, Code 1995, is amended to read as follows:

5. If a county attorney ~~has not filed a~~ does not file the notice of commitment to collect delinquent obligations pursuant to and list of cases required in section 331.756, subsection 5, ~~or has transferred collection responsibility for a particular delinquent amount to the department, the department of revenue and finance or its designee may collect delinquent fines, penalties, court costs, surcharges, restitution for court appointed attorney fees, or expenses of a public defender. From the amounts collected, the department shall pay for the services of its designee and the remainder shall be deposited in the general fund of the state, the judicial department may assign obligations to the centralized collection unit of the department of revenue and finance or its designee to collect delinquent debts owed to the clerk of the district court.~~

The department of revenue and finance may impose a fee established by rule to reflect the cost of processing which shall be added to the debt owed to the clerk of the district court. Any amounts collected by the unit will first be applied to the processing fee. The remaining amounts shall be remitted to the clerk of the district court for the county in which the debt is owed. The judicial department may prescribe rules to implement this section. These rules may provide for remittance of processing fees to the department of revenue and finance or its designee.

~~This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, criminal penalty surcharge, or amounts collected as a result of procedures initiated under section 421.17, subsection 25.~~ Satisfaction of the outstanding obligation occurs only when all fees or charges and the outstanding obligation are paid in full. Payment of the outstanding obligation only shall not be considered payment in full for satisfaction purposes.

The department of revenue and finance or its collection designee shall file with the clerk of the district court a notice of the satisfaction of each obligation to the full extent of the

moneys collected in satisfaction of the obligation. The clerk of the district court shall record the notice and enter a satisfaction for the amounts collected.

Sec. 9. Section 666.6, Code 1995, is amended to read as follows:

666.6 ANNUAL REPORT OF OUTSTANDING FINES, PENALTIES, FORFEITURES, AND RECOGNIZANCES.

The clerk of the district court shall make an annual report in writing to the state court administrator no later than ~~January~~ August 15 of the fines, penalties, forfeitures, and recognizances which have not been paid, remitted, canceled, or otherwise satisfied during the previous ~~calendar~~ fiscal year.

Sec. 10. EFFECTIVE DATE. This Act takes effect January 1, 1996.

Approved May 4, 1995

CHAPTER 170

REGULATION OF REAL ESTATE BROKERS AND SALESPERSONS – MISCELLANEOUS PROVISIONS

H.F. 252

AN ACT relating to the regulation of real estate brokers and salespersons.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 543B.1, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

543B.1 LICENSE MANDATORY.

A person shall not, directly or indirectly, with the intention or upon the promise of receiving any valuable consideration, offer, attempt, agree to perform, or perform any single act as a real estate broker whether as a part of a transaction or as an entire transaction, or represent oneself as a real estate broker, broker associate, or salesperson, without first obtaining a license and otherwise complying with the requirements of this chapter.

Sec. 2. Section 543B.3, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

543B.3 BROKER – DEFINITION.

As used in this chapter, “real estate broker” means a person acting for another for a fee, commission, or other compensation or promise, whether it be for all or part of a person’s time, and who engages directly or indirectly in any of the following acts:

1. Sells, exchanges, purchases, rents, or leases real estate.
2. Lists, offers, attempts, or agrees to list real estate for sale, exchange, purchase, rent, or lease.
3. Advertises or holds oneself out as being engaged in the business of selling, exchanging, purchasing, renting, leasing, or managing real estate.
4. Negotiates, or offers, attempts, or agrees to negotiate, the sale, exchange, purchase, rental, or lease of real estate.
5. Buys, sells, offers to buy or sell, or otherwise deals in options on real estate or improvements on real estate.
6. Collects, or offers, attempts, or agrees to collect, rent for the use of real estate.
7. Assists or directs in the procuring of prospects, intended to result in the sale, exchange, purchase, rental, or leasing of real estate.